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Christopher Bates and Jeffrey O'Brien

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Jeff Macy, as an individual,
Plaintiffs,
v.
California Highway Patrol, a State Agency; Officer Christopher Bates; Supervisor Officer Sergeant Jeffrey O'Brien, and Does 1 - 10, inclusive,
Defendants.

Case No.: 5:23-CV-02245-RGK-BFM

DEFENDANTS' STATUS REPORT

Judge: Hon. Brianna Fuller Mircheff
Trial Date: TBA
Action Filed: 5/06/2024

California Highway Patrol, a State Agency; Officer Christopher Bates; Supervisor Officer Sergeant Jeffrey O'Brien, and Does 1 - 10, inclusive,

Defendants California Highway Patrol (CHP), and CHP Officer Christopher Bates, and CHP Sergeant Jeffrey O'Brien, hereby submit their Status Report. Counsel for defendants and Plaintiff, in pro per, met and conferred on November 4-7, 2024, but did not come to an agreement as to all portions of the report.

A. A summary of the proceedings to date and a statement of the principal issues raised by the case.

Plaintiff initially commenced this action on May 6, 2024, alleging civil rights violations under Section 1983, among other causes of action, arising out of a traffic

1 stop which occurred on June 27, 2023.

2 The operative Complaint is the Second Amended Complaint filed on August
3 6, 2024. Plaintiff generally alleges the Defendants Christopher Bates and Jeffrey
4 O'Brien allegedly conducted a prolonged traffic stop and unlawful vehicle search.
5 Plaintiff successfully challenged the citation issued by Defendants Bates and
6 alleges that a trash hauling service does not require a seatbelt. Plaintiff alleges
7 damages, including emotional distress.

8 Key legal issues include Fourth Amendment standards for vehicle searches,
9 qualified immunity, and the acceptable duration of traffic stops. Discovery has
10 commenced and Defendants will argue in summary judgment that plaintiff
11 prolonged the traffic stop when he requested Officer Bates' supervisor, Sergeant
12 O'Brien, report to the location of the traffic stop. Defendants will also argue that
13 the vehicle searches did not violate Plaintiff's Fourth Amendment rights because
14 they were not intrusive, were fleeting, and Plaintiff consented to a search of his
15 vehicle.

16 **B. A statement as to whether all parties have been served, and if not,**
17 **a proposed deadline by which service will be completed.**

18 All parties have been served.

19 **C. A description of any discovery completed, and a schedule for any**
20 **future discovery.**

21 The Parties have exchanged written discovery. Defendants have taken the
22 deposition of Plaintiff.

23 Defendants are considering an order for a mental examination related to
24 Plaintiff's emotional distress claim; a motion may be made in January 2025, for an
25 examination to be completed in March 2025.

26 Plaintiff filed a motion for sanctions, regarding Plaintiff's deposition, that was
27 denied.

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1 The Parties requested a discovery conference regarding release of the video
2 recording of plaintiff's deposition, which was heard on November 7, 2024.

3 **D. A list of contemplated motions, if any, along with proposed dates for**
4 **the filing and hearing of such motions.**

5 **Plaintiff's Motion for Summary Judgment.** Plaintiff anticipates filing a
6 motion for summary judgment after the close of discovery.

7 **Defendants' Motion to Compel Video Recording:** Defendants will be filing
8 a motion to compel the video recording of the deposition of Plaintiff post-
9 discovery conference does not resolve the dispute. Defendants shall file a Motion to
10 Compel pursuant a briefing schedule set by the court.

11 **Defendants' Motion for Summary Judgment:** Defendants believe all
12 claims presented by Plaintiff may be determined by Motion for Summary
13 Judgment. Defendants anticipate filing a Motion for Summary Judgment in
14 December 2024, with an anticipated hearing date in January/February 2025.

15 **E. An estimate of the time likely to be required for trial, and a**
16 **statement as to whether trial by jury is desired and has been properly**
17 **requested.**

18 Plaintiff estimates trial will take approximately two months, including time to
19 select a jury.

20 Defendants estimate trial will take approximately four days, including time to
21 select a jury. Defendants requested a jury trial.

22 Counsel for Defendants Officer Bates, and Sergeant O'Brien currently set for
23 trial on 4/4/25-4/9/25; 3/24-3/30/25; 7/7/25-7/15/25. Plaintiff is unavailable on the
24 following dates: 4/10/25-5/2/24.

25 **F. A description of any settlement negotiations that have occurred,**
26 **and a recommendation as to the form of settlement conference or other**
27 **method of alternative dispute resolution that would be most appropriate given**
28 **the nature of this case.**

1 The Parties have not engaged in settlement negotiations. Due to the nature of
2 the facts and disputed allegations, settlement negotiations will likely not be fruitful.
3 Any pre-trial resolution will likely be dependent upon this Court's rulings on
4 defendant's Motion for Summary Judgment/Adjudication which will be filed by
5 CHP, Officer Bates, and Sergeant O'Brien.

6 **G. Any suggestions the parties may wish to make regarding the
7 management of this action.**

8 None.

9 Dated: November 7, 2024

Respectfully submitted,

10 ROB BONTA
11 Attorney General of California
12 IVETA OVSEPYAN
13 Supervising Deputy Attorney General

14 */s/ Julio A. Hernandez*

15 JULIO A. HERNANDEZ
16 Deputy Attorney General
17 *Attorneys for Defendants*
18 *Christopher Bates and Jeffrey O'Brien*

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1 **DECLARATION OF SERVICE BY E-MAIL AND U.S. MAIL**

2 **Case Name:** *Macy, Jeff, et al. v. California Highway Patrol, et al.*
3 **Case No.:** 5:23-CV-02245-RGK-BFM

4 I declare:

5 I am employed in the Office of the Attorney General, which is the office of a
6 member of the California State Bar, at which member's direction this service is
7 made. I am 18 years of age or older and not a party to this matter. I am familiar
8 with the business practice at the Office of the Attorney General for collection and
9 processing of correspondence for mailing with the United States Postal Service. In
accordance with that practice, correspondence placed in the internal mail collection
system at the Office of the Attorney General is deposited with the United States
Postal Service with postage thereon fully prepaid that same day in the ordinary
course of business.

10 On **November 7, 2024**, I served the attached **DEFENDANTS' STATUS**
11 **REPORT** by transmitting a true copy via electronic mail. In addition, I placed a
true copy thereof enclosed in a sealed envelope, in the internal mail system of the
Office of the Attorney General, addressed as follows:

13 Jeff Macy
P.O. Box #103
14 Twin Peaks, CA 92391
15 E-mail: macybuilders@yahoo.com

16 *In Pro Per*

17 I declare under penalty of perjury under the laws of the State of California and the
United States of America the foregoing is true and correct and that this declaration
18 was executed on **November 7, 2024**, at Sacramento, California.

19 Donna Kulczyk
20 Declarant

/s/ Donna Kulczyk
Signature